

(2) If caught by hook and line, must be released by cutting the line near the hook without removing the fish from the water.

(c) *Vessel trip limits.* (1) A vessel that has been issued a permit pursuant to §678.4 may not possess on any trip, or land from any trip, large coastal species in excess of 4,000 lb (1,814 kg), dressed weight.

(2) A shark from any of the three management units may not be transferred at sea from a vessel issued an Atlantic shark permit issued under §678.4 to any other vessel.

(d) *Filleting.* (1) A shark from any of the three management units that is possessed in the EEZ, or harvested by a vessel that has been issued a permit pursuant to §678.4, may not be filleted at sea. Sharks may be eviscerated and the head and fins may be removed.

[58 FR 21944, Apr. 26, 1993, as amended at 58 FR 68558, Dec. 28, 1993; Redesignated and amended at 59 FR 52457, Oct. 18, 1994; 62 FR 16656, Apr. 7, 1997]

§678.23 Bag limits.

(a) *Applicability.* The bag limits apply to a person who fishes in the EEZ or possesses a shark in or from the EEZ aboard a vessel—

(1) When the vessel does not have on board a permit issued under §678.4; or

(2) When the vessel is operating as a charter vessel or headboat.

(b) *Bag limits.* Bag limits are as follows:

(1) Large coastal, small coastal and pelagic species, combined—2 per vessel per trip.

(2) Atlantic sharpnose shark—2 per person per trip.

(c) *Combination of bag limits.* A person to whom the bag limits apply may not combine a bag limit specified in paragraph (b) of this section with a bag or possession limit applicable to state waters.

(d) *Responsibility for the bag limits.* The operator of a vessel for which the bag limits apply is responsible for the vessel trip limit applicable to large coastal species and pelagic species combined, and for the cumulative bag limit applicable to small coastal species based on the number of persons aboard.

(e) *Transfer of sharks.* A person for whom a bag limit specified in this section applies may not transfer at sea a shark—

(1) Taken in the EEZ, regardless of where such transfer takes place; or

(2) In the EEZ, regardless of where such shark was taken.

[58 FR 21944, Apr. 26, 1993. Redesignated at 59 FR 52457, Oct. 18, 1994; 62 FR 16656, Apr. 7, 1997; 62 FR 27704, May 21, 1997]

§678.24 Commercial quotas.

(a) *Applicability.* Persons fishing aboard vessels for which vessel permits have been issued under §678.4, except for persons aboard vessels that are operating as charter vessels or headboats, are limited to the quotas specified in this section. Persons aboard vessels that are operating as charter vessels or headboats are limited to the bag limits, as specified in §678.22(a)(2) and (b). Large coastal or pelagic species sharks that are sold are counted against the appropriate quota for their species group.

(b) *Semiannual.* The following commercial quotas apply:

(1) For the period January 1 through June 30:

(i) Large coastal species—642 metric tons, dressed weight.

(ii) Small coastal species—880 metric tons, dressed weight.

(iii) Pelagic species—290 metric tons, dressed weight.

(2) For the period July 1 through December 31:

(i) Large coastal species—642 metric tons, dressed weight.

(ii) Small coastal species—880 metric tons, dressed weight.

(iii) Pelagic species—290 metric tons, dressed weight.

(c) *Adjustments to quotas.* The Assistant Administrator may adjust a semi-annual quota to reflect actual catches during the preceding semi-annual period. That is, catch in excess of the semi-annual quota in the preceding period may be deducted from the current semi-annual quota and catch less than the semi-annual quota may be added. Such adjustments to semi-annual quotas will be published in the FEDERAL REGISTER. Quotas may also be adjusted under the framework procedure

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for adjustment of management measures, as specified in § 678.26.

[58 FR 21944, Apr. 26, 1993. Redesignated at 59 FR 52457, Oct. 18, 1994; 60 FR 21469, May 2, 1995; 62 FR 16656, Apr. 7, 1997]

§ 678.25 Closures.

(a) When a commercial quota specified in § 678.24(b) is reached, or is projected to be reached, the Assistant Administrator will publish a notice to that effect in the FEDERAL REGISTER. The effective date of such notice will be at least 5 days after the date such notice is filed with the Office of the Federal Register.

(1) On the effective date of such notice, for the remainder of the semi-annual period.

(i) A person aboard a vessel that has been issued a permit under § 678.4 may not retain shark of the species group for which the commercial quota has been reached, except as provided in paragraph (a)(2) of this section; and

(ii) The sale, purchase, trade, or barter or attempted sale, purchase, trade, or barter of a shark carcass or fin of that species group harvested by a person aboard a vessel that has been issued a permit under § 678.4 is prohibited.

(2) A person aboard a charter vessel or headboat that has been issued a permit under § 678.4 may retain, subject to the bag limits specified in § 678.23(b), shark of the species group for which the commercial quota has been reached, provided the vessel is operating as a charter vessel or headboat. However, the prohibition of paragraph (a)(1)(ii) and of this section regarding sale, purchase, trade, or barter, or attempted sale, purchase, trade, or barter, apply to such shark.

(b) The prohibition of paragraph (a)(1)(ii) of this section regarding sale, purchase, trade, or barter, or attempted sale, purchase, trade, or barter, by a dealer does not apply to trade in shark carcasses or fins that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the notice in the FEDERAL REGISTER, and were held in storage by a dealer or processor.

[58 FR 21944, Apr. 26, 1993. Redesignated and amended at 59 FR 52457, Oct. 18, 1994]

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§ 678.26 Restrictions on sale upon landing.

Subject to the restrictions of § 678.25,

(a) Upon landing, meat or fins from a shark from the management unit may be sold, traded, or bartered, or attempted to be sold, traded, or bartered, only by an owner or operator of a vessel that has been issued a permit pursuant to § 678.4, except that this does not apply to a shark harvested from a vessel that has not been issued a permit under this part and that fished exclusively within the waters under the jurisdiction of any state.

(b) Upon landing, meat or fins from a shark from the management unit may be purchased, traded, or bartered, or attempted to be purchased, traded, or bartered, only from the owner or operator of a vessel that has been issued a permit pursuant to § 678.4, except that this does not apply to a shark harvested from a vessel that has not been issued a permit under this part and that fished exclusively within the waters under the jurisdiction of any state.

(c) Fins from a shark harvested in the EEZ, or by a vessel that has been issued a permit under § 678.4, that are disproportionate to the weight of carcasses landed (see § 678.22(a)(2)) may not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

(d) A shark from the management unit may be sold, traded, or bartered, or attempted to be sold, traded, or bartered, only to a dealer having a permit under § 678.4, except that this does not apply to a shark harvested from a vessel that has not been issued a permit under this part and that fished exclusively within the waters under the jurisdiction of any state.

[58 FR 21944, Apr. 26, 1993. Redesignated and amended at 59 FR 52457, Oct. 18, 1994]

§ 678.27 Adjustment of management measures.

In accordance with the framework regulatory adjustment procedures specified in the FMP, the Assistant Administrator may establish or modify for species or species groups in the shark fishery the following: maximum sustainable yield, total allowable catch, quotas, trip limits, bag limits, size limits, the fishing year or fishing season,